

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Valley Falls, RI Station  
Cumberland, RI 02864-9991  
(Derrick Watson, Petitioner)

Docket No. A2011-18

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**RESPONSE OF UNITED STATES POSTAL SERVICE TO  
MOTION OF DAVID B. POPKIN OF AUGUST 3, 2011**  
(August 9, 2011)

On July 29, 2011, the Postal Regulatory Commission (Commission) issued Order No. 783, responding, in part, to a motion filed by David B. Popkin, that directed the Postal Service to file revised redacted versions of certain pages of the Administrative Record to show the number of Post Office Box customers served by the Valley Falls Station.<sup>1</sup> On August 2, 2011, in response to Order No. 783, the Postal Service responded fully by filing the requested pages, identifying the number of customers served.<sup>2</sup>

On August 3, 2011, Mr. Popkin filed a further motion stating that the total number of Post Office Boxes at the Valley Falls Station remained redacted and that the redaction of this information should be removed.<sup>3</sup> This second motion neither acknowledged that Order No. 783 responded to his own previous motion nor that the Postal Service response complied fully with the Commission's directive in Order No. 783.

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<sup>1</sup> PRC Order No. 783, Order Granting Motions, Docket No. A2011-18, July 29, 2011, at 3

<sup>2</sup> United States Postal Service Response to Order No. 783, Docket No. A2011-18, August 2, 2011. The Postal Service acknowledged in its response that, on one page of the response, the Postal Service did not unredact any material because the redacted information on that page indicated the total number of Post Office boxes at the Valley Falls Station, rather than the number of Post Office Box customers served by the Valley Falls Station.

<sup>3</sup> Motion of David B. Popkin, Docket No. A2011-18, August 3, 2011.

The motion filed on August 3, 2011, by Mr. Popkin should be denied for the following reasons. First, so as to conserve scarce public resources, participants in Commission proceedings should not be encouraged to file motions *seriatim* reflecting their latest opinions on a particular matter; rather, if a participant has something to say about a particular matter, the participant should be encouraged to provide all of his or her comments in a single pleading.

Second, the Postal Service responded to Order No. 783 by doing exactly what the Commission requested, providing “an unredacted copy of ... pages ... showing the number of Post Office Box customers served by the Valley Falls Station[.]”<sup>4</sup>

Third, provided that certain conditions are met, according to 39 C.F.R. § 3007.40, any person may file a motion requesting access to non-public materials. The Petitioner filed such a motion on July 29, 2011,<sup>5</sup> which the Commission granted on August 4, 2011.<sup>6</sup> Unless Mr. Popkin has recently undertaken a business venture that competes with the Postal Service, it is not aware of any barrier to Mr. Popkin’s filing a similar motion requesting access to non-public materials should he perceive a need to inquire more deeply; actual access would appear to likely to follow.

Finally, the Postal Service is cooperating in this docket with the Commission’s administration of an appeal despite the Postal Service’s understanding that the Commission lacks subject matter jurisdiction to hear the appeal. Mr. Popkin provides no meaningful explanation for why this cooperation

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<sup>4</sup> PRC Order No. 783, at 3; *see also* United States Postal Service Response to Order No. 783.

<sup>5</sup> Motion by Petitioner for Access to Non-Public Materials, Docket No. A2011-18. July 29, 2011.

<sup>6</sup> PRC Order No. 791, Order on Motion, Docket No. A2011-18, August 4, 2011, at 2.

should also extend to accommodating his separate views of what should be made public when the Postal Service considers particular information proprietary.

For the reasons set forth above, Mr. Popkin's motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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